

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

WARREN EASTERLING,	:	Case No. 3:12-cv-300
	:	
Plaintiff,	:	
	:	District Judge Timothy S. Black
- vs -	:	Magistrate Judge Michael R. Merz
	:	
STATE OF OHIO	:	
	:	
Defendant.	:	

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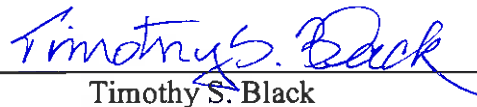
**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #12), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, and for good cause shown upon the Court's de novo review, hereby ADOPTS said Report and Recommendations.

It is hereby ORDERED that the Complaint herein is DISMISSED without prejudice for lack of subject matter jurisdiction. Plaintiff's Notice of Constitutional Challenge (Doc. #7), construed as a Motion and his Motion for Injunctive Relief (Doc. #11) are denied as moot. This case is TERMINATED on the docket of this Court.

December 4, 2012.

  
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Timothy S. Black  
United States District Judge